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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,657	08/18/2001	Stephen A. Garrett	1205-004/JRD	4574

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EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	09/932,657	
Examiner	Art Unit EDWYN LABAZE	
	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 21 January 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-39 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 1/21/2003.
2. Claims 1-39 are presented for examination.

### *Claim Objections*

3. Claim 31 is objected to because of the following informalities:

Re claim 31 (page 6, line 18): The applicant is respectfully requested to remove the term "a commercially available" because of its impropriety for a claimed invention.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-5, 9-15, 20-23, 25, 28-29, 31-35, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. (U.S. 5,349,497) in view of Harrison (U.S. 6,184,804).

Re claim 1, 9-15, 21, 25, 28-29, 31, 32, 37 and 39: Hanson et al. discloses a detachable handle structure for terminals, which includes a substantially planar computer-mounting portion/plate 21(col.5, lines 5+) for receiving (col.8, lines 14-17) the hand-held computer 10 (col.4, line 61), an elongate handle 20 (col.5, line 4) operably secured to the computer-mounting portion/plate, and a trigger 29 (col.5, line 38) operably secured to the handle in electrical

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communication (col.5, lines 52-55) with the portable computer such that depressing the trigger actuates at least one function (col.5, lines 38-41) on the hand-held computer.

Hanson et al. fails to disclose that the elongate handle moves relative the sliding member along a defined second direction.

Harrison teaches key palette, which includes rail- groove system 411 (see Figs. # 40A-40D; and col. 24, lines 1+) wherein the portable computer is slidably movable to a first and second direction orthogonally from the computer-mounting portion.

In view of the teaching of Harrison, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate a pair of rails/grooves into the base portion of the Hanson et al.'s teaching in order to enable lateral movements/displacements of the elongate handle. Furthermore, such modification would be an improvement of the teaching of Hanson et al. and provide more options to the customer as where to position the handle in relation with the base portion when carrying out the slide-in apparatus and advantageously to balance the weight distribution by choosing a desired center of gravity while allocating the handle. Moreover, such modification would have been an obvious extension as taught by Hanson et al., therefore an expedient.

Re claims 2, 33: Hanson et al. teaches an apparatus, wherein the handle is a joystick-type handle (col.5, lines 42-55).

Re claims 3, 34: Hanson et al. discloses an apparatus, wherein the joystick-type handle includes a handle grip portion (col.5, line 51).

Re claims 4, 22: Hanson et al. teaches an apparatus, wherein the hand-held computer is operably secured to a data reader or scanner 13 (col.5, line 21), and at least one function includes the data reader.

Re claims 5, 23, and 35: Hanson et al. discloses an apparatus, wherein the data reader is a bar code scanner (col.4, lines 60-64).

Re claim 20: Hanson et al. teaches an apparatus, wherein an internal battery received with the portable computer handle, the internal battery in electrical communication with the hand-held computer to provide auxiliary power to the hand-held computer (col.7, lines 31+).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. in view of Koenck et al. (U.S. 5,410,141).

The teaching of Hanson et al. have discussed above.

Hanson et al. fails to disclose a radio frequency identification tag reader and the center of gravity of combined portable computer handle.

Koenck et al. teaches a hand-held data capture system with interchangeable modules, which includes a RF tag (col.23, lines 43-53) and the center of gravity of the portable computer handle (col.18, lines 55-59).

In view of Koenck et al.'s teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a radio frequency tag and the center of gravity of the portable computer handle in the teaching of Hanson et al. to produce a RF signal of a first frequency to energize a radio frequency transponder-type identification and receiving an identifying signal of a second frequency transmitted by an energized radio frequency identification tag to provide a second electrical output signal correspond to the tag identifying

signal, preferably in the same signal format as the bar-code data. Furthermore, the method of the center of gravity is utilized to equalize weight on a planar portion. Therefore such modification would have an obvious extension as taught by Hanson et al., and an obvious expedient.

7. Claims 16, 26-27, 30, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. (U.S. 5,349,497) in view of Harrison (U.S. 6,184,804).

The teachings of Hanson et al. as modified by Harrison have been discussed above.

Hanson et al. as modified by Harrison fails to disclose a ball and socket joint to operate the displacement of the handle.

Harrison teaches key palette, which includes a ball 236 and socket joint (col.18, lines 57+).

In view of the teaching of Harrison, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a ball-and-joint socket into the teaching of Hanson et al. so as to enable the user to loosen and tighten the movable handle from and to a desired position. Furthermore, the ball-and-joint socket assures the adjustability of the handle and would have been an obvious extension of the teaching of Hanson et al.

Re claims 27, 38: Hanson et al. discloses a system, wherein the first direction is toward and way from a front side and the second direction is toward and away from a right side of the base (See Fig. # 1 of Hanson et al.). The examiner regards this claim as conventional when using a sliding fitted apparatus into a support. There are only two directions from which the portable computer as taught by Hanson et al. could be moved; one/first direction onto the base where inserting the portable apparatus/computer and the other one/second direction is outward of the

base when releasing/removing the module from the base. Therefore it is obvious that the two directions are defined within the teaching of Hanson et al.

*Response to Arguments*

Applicant's arguments filed on 1/21/2003 have been fully considered but they are not persuasive.

Re claims 6-8, 24, and 36: The appellant argues that, the prior art cited by the examiner, Hanson et al. (U.S. 5,349,497) and modified by Koenck et al. and as discussed in the Office Action (see page 6), there is no teaching to combine these references as currently claimed (See applicant's arguments on page 9, paragraph 3).

The examiner respectfully disagrees with the appellant's comments and arguments. The applicant stated the limitation "commercially available, general purpose" (see page 6, lines 4-14 of the specification). The examiner interprets that limitation as a prior art statement and since the claimed invention is not regarded an improvement or modification of the disclosed prior art by the applicant, but an extra feature to certify the use of the claimed invention, which is a "sliding elongate handle".

It is obvious that portable computer could be any kind of electronic module with many features for commercial/business purposes such a scanner/bar code reader, a computer, a PDA or the like provided that said module/apparatus could be fitted in a base mounting portion of the sliding handle as discussed above, therefore the examiner retains the rejection.

Re claims 17-19, these limitations are described by koenck et al. (U.S. 5,410,141) as a commercially off-the-shelf product, wherein an auxiliary connectivity port which is an electrical

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jack and could provide electrical coupling/connection with an external computer system (col.3, lines 29+ of Koenck et al.). Based upon the above discussion and the sustained action regarding claims 6-8, it is obvious that one skilled in the art at the time the invention was made would have been able to utilize the portable apparatus as disclosed by Koenck et al. into the teaching of Hanson et al. as modified by Harrison to meet the limitations of claims 17-19.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Phillips (U.S. 5,323,195) discloses an apparatus for supporting a camera.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
March 20, 2003

*Diane I. Lee*  
**DIANE I. LEE**  
**PRIMARY EXAMINER**